

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

PRESIDENT DONALD J. TRUMP, 45th President
of the United States of America, in his individual
capacity,

Plaintiff,

v.

SIMON & SCHUSTER, INC., a New York
corporation, ROBERT WOODWARD p.k.a. BOB
WOODWARD, an individual, and PARAMOUNT
GLOBAL, a Delaware corporation, f/k/a Viacom
Inc., successor by merger to CBS Corporation, a
Pennsylvania corporation f/k/a Westinghouse
Electric Corporation,

Defendants.

3:23-cv-02333-RV-ZCB

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO OPPOSE
MOTIONS TO DISMISS AND EXTENSION OF WORD LIMIT**

Defendants Robert Woodward, Simon & Schuster, Inc. and Paramount Global (collectively, “Defendants”) respectfully submit this unopposed motion seeking the following relief: (1) leave to file two motions to dismiss the Complaint in the above captioned action, the first for improper venue and/or transfer for convenience of the parties pursuant to Rule 12(b)(3) (the “Venue Motion”) and the second for failure to state a claim pursuant to Rule 12(b)(6) (the “Rule 12(b)(6) Motion”) (collectively, the “Motions”); (2) an order setting a briefing schedule for the Motions and (3) an

extension of the default word limit for the memoranda of law submitted in support of, and opposition to, the Rule 12(b)(6) Motion (with a corresponding reduction of the word limit for the Venue Motion).

On March 15, 2023, pursuant to Local Rule 7.1(B), counsel for Defendants participated in a meet and confer with counsel for President Trump. Among the issues discussed during that conference was Defendants' intent to (1) file two Motions, (2) seek an order from the Court extending the time for President Trump to oppose the Motions, and (3) seek an expansion of the word limit for the Rule 12(b)(6) memoranda of law only. In subsequent email correspondence, counsel for President Trump agreed to the following proposals:

- 1) **Proposed Filing of Two Motions.** Defendants intend to raise two completely distinct grounds for dismissal in their Motions – *i.e.*, (1) improper venue and/or transfer of the action for the convenience of the parties and (2) failure to state a claim – and the parties agree that judicial economy would be served by permitting those Motions to be briefed separately. If two Motions are filed, the Court may choose to first address the relatively straightforward procedural issue of whether this District is a proper venue and (if appropriate) dismiss or transfer the action without engaging judicial resources on reviewing the many substantive arguments raised in the Rule 12(b)(6) Motion. To that end, Defendants respectfully

request leave to file two motions: a Venue Motion with a word-limit of 4,000 words for the memoranda of law in support of and opposition thereto, and a Rule 12(b)(6) Motion subject to the extended word-limit requested below.¹

- 2) **Proposed Extension of Time to Oppose Motions.** Defendants are currently due to file their Motions on or before April 3, 2023. Under the applicable Local Rule, President Trump would have fourteen (14) days after service to submit his opposition papers – *i.e.*, up to and including April 17, 2023. Given the fact that Defendants intend to file two Motions and the fact that the Complaint includes nine counts, including copyright claims and multiple state law claims, the parties agree that President Trump’s deadline to oppose the Motions should be extended up to and including May 15, 2023.²

¹ In the alternative, if the Court would prefer all arguments in favor of dismissal to be briefed in a single motion, Defendants respectfully request a 6,000-word extension of the default limit for the memoranda of law in support of and opposition to that omnibus motion – *i.e.*, 14,000 words. Such an extension would be necessary for the parties to have sufficient opportunity to address all the procedural and substantive issues in a single document.

² Depending on the nature of President Trump’s opposition papers, Defendants reserve the right to move at a later date for leave to file reply briefs in further support of one or both of their Motions. President Trump indicated he reserves his right to object.

3) **Proposed Word Limit Extension for Rule 12(b)(6) Motion.** The parties respectfully request a 2,000-word extension to the default 8,000-word limit for their respective memoranda of law in support of and opposition to the Rule 12(b)(6) Motion – *i.e.*, 10,000 words for each memorandum of law, exclusive of portions of the brief that can be deducted pursuant to Local Rule 7.1(F). Defendants submit that this extension is necessary for the parties to adequately brief the nine causes of action raised in the Complaint, which raise legal issues deemed important by the Defendants.

For the reasons set forth above, Defendants respectfully submit this unopposed motion seeking an order granting their request for (1) leave to file a Venue Motion with memoranda of law in support and opposition of no more than 4,000 words, (2) an extension of President Trump’s time to oppose the Motions up to and including May 15, 2023, and (3) an extension of the word limit for the parties’ respective memoranda of law in support of, and opposition to, the Rule 12(b)(6) Motion be expanded to 10,000 words, exclusive of portions of the brief that can be deducted pursuant to Local Rule 7.1(F) and any other relief the Court deems appropriate.

Dated: March 27, 2023

GUNSTER, YOAKLEY & STEWART, P.A.

/s/ Kenneth B. Bell

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Kenneth B. Bell

Attorney